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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,309	04/25/2001	Shiro Morotomi	450106-02660	6698
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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			ONUAKU, CHRISTOPHER O	
		ART UNIT		PAPER NUMBER
				2616

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/830,309	MOROTOMI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Christopher O. Onuaku	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-41 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9,12-14,16-29,32-34 and 36-41 is/are rejected.
- 7) Claim(s) 10,11,15,30,31&35 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/22/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

## DETAILED ACTION

### Abstract

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract contains more than one paragraph. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 19-23,33,34,36,37,1-3,13,14,16,17,39&40 are rejected under 35

U.S.C. 102(e) as being anticipated by Okada et al (US 6,181,870).

Regarding claim 19, Okada et al disclose an optical disc, a video data editing apparatus, a computer readable recording medium that stores an editing program, a reproducing apparatus for the optical disc, and a computer-readable recording medium that stored a reproduction program, comprising:

a) reproducing means for reproducing the data corresponding to management information that is read from the storage medium (see Fig.17&2A-2C, DVD recorder 70 and DVD\_RAM 75; col.33, line 61 to col.34, line 55);

b) designating means for designating a particular time point of the reproduced data, and updating means for updating the management information so that an address of the storage medium corresponding to the designated time point of the reproduced data becomes the start address of the reproduced data (see col.74, lines 29-65), here the VOB information (time map table, seamless linking information) when executing a SPLIT command- Out of the plurality of AV files that are obtained by the execution of the split command, one AV file is assigned the same AV-file-ID as the AV file which recorded the VOB from which it was split. The AV-file-Ids of the other AV files split from the AV file, however need to be assigned new values. VOBs that were originally recorded as an AV file will lose several sections due to execution of a SPLIT command, so that marks that indicated the lost sections need to be deleted. In the same way, the cell information that gave these marks as the start points and end points needs to be

deleted from the RTRW management file. In addition to deleting the mark points, it is necessary to generate new cell information that indicates the video presentation start frame of the AV file and video presentation end frame of the AV file, and to add this new cell information to the RTRW management file.

Regarding claim 20, Okada et al disclose wherein the updating means updates the management information so that the address of the storage medium corresponding to the designated time point of the reproduced data becomes the end address of the reproduced data (see col.74, lines 29-65 and the discussions above).

Regarding claim 21, Okada et al discloses disclose wherein the designating means is capable of designating two particular time points of the reproduced data, and wherein the updating means updates the management information so that an address of the storage medium corresponding to one of the two time points becomes the start address of the reproduced data and an address of the storage medium corresponding to the other time point becomes the end of the reproduced data (see col.74, lines 29-65), here Okada et al discloses designating and updating both the end time point and start time point.

Regarding claim 22, Okada et al disclose designating means for designating the updating means to update the management information, wherein when the designating means has designated the updating means to update the management information, the

updating means updates the management information (see col.74, lines 29-65), here the one AV file, for example, is designated to have its management information updated using a SPLIT command. Consequently the AV file is processed as required and its management information was updated. Inherently, the Okada system includes both designating and updating means to facilitate the designating and updating functions executed efficiently.

Regarding claim 23, Okada et al disclose:

- a) recording means for recording data to the recording medium (see Fig.41; disc recording unit 100; col.55, line 60 to col.56, line 28);
- b) wherein when the recording means is in record mode of which data is capable of being recorded (see col.34, lines 13-20 and col.34, lines 60-67), and wherein the updating means updates the management information (see claim 19 discussions).

Regarding claim 33, Okada et al disclose wherein updating means updates the management information so that a part of data before the address of the storage medium corresponding to the stop position is erased and the address becomes the start address of the reproduced data (see col.74, lines 29-65), here examiner reads the point wherein the AV files were split as the stop position.

Regarding claim 34, Okada et al disclose wherein the storage medium is an optical disc (see col.11, lines 37-45).

Regarding claim 36, Okada discloses wherein the storage medium is an optical disc and wherein the recording means applies a magnetic field modulated with the data on a record surface of the optical disc so as to record the data (see col.12, lines 22-38), here Okada et al disclose a magneto-optical disc on which data can be recorded, the recording process of which inherently applies magnetic field modulated with data on the record surface so as to record the data, since the recording medium is a magneto-optical disc.

Regarding claim 37, the claimed limitations of claim 37 are accommodated in the discussions of claim 36 above.

Regarding claim 1, the claimed limitations of claim 1 are accommodated in the discussions of claim 19 above, including the claimed stopping means (see the "STOP" key, the operation of which the DVD recorder 70 stop the reproduction of the VOB; col.58, line 31-58).

Regarding claim 2, the claimed limitations of claim 2 are accommodated in the discussions of claim 22 above.

Regarding claim 3, the claimed limitations of claim 3 are accommodated in the discussions of claim 23 above.

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claim 33 above.

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claim 34 above.

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claim 36 above.

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 37 above.

Regarding claim 39, the claimed limitations of claim 39 are accommodated in the discussions of claim 1 above.

Regarding claim 40, the claimed limitations of claim 40 are accommodated in the discussions of claim 19 above, including the editing limitation (see col.1, lines 13-17 and col.11, lines 37-45).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27,38,7&18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada in view of Yuen et al (US 5,488,409)

Regarding claim 27, disclose wherein data stored on the storage medium is managed in the unit of a program corresponding to the management information and wherein the reproducing means reproduces a program managed as the last program

Yuen et al disclose apparatus and methods for facilitating and monitoring the management, storage and retrieval of programs on a cassette of magnetic tape, including the automatic monitoring of the operation of a video cassette recorder, comprising program numbers added to programs to search for and play recorded programs (see col.46, line 64 to col.47, line 45) and wherein programs recorded on a tape till the last program is played or a STOP command is received.

It would have been obvious to modify Okada by realizing Okada system with a managing means to manage the Okada system at a program level, as taught by Yuen, in order to manage the Okada signals at a program level, thereby being able to reproduce the programs of the Okada system to the last program.

Regarding claim 38, Yuen further teaches wherein the storage medium is a non-volatile memory (see col.55, line 55 to col.56, line 9).

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claim 27 above.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 38 above.

6. Claims 28 ,29,32,8,9&12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al.

Regarding claims 28, Okada et al fail to explicitly disclose an operating means for operating an address designated to the start address of the reproduced data so that the address is designated to an adjacent address of the storage medium corresponding to the stop position of the reproduced data, but this would have been an obvious engineering design consideration depending on the circuit at hand, but this would have been an obvious engineering design consideration depending on the circuit at hand.

Regarding claim 29, Okada et al fail to explicitly disclose wherein an operating means is capable of performing a rotating operation and a pressing operation so as to select an address from the adjacent address corresponding to the rotating operation and designate the selected address to the start address of the reproduced

data, but this would have been an obvious engineering design consideration depending on the circuit at hand.

Regarding claim 32, Okada et al fail to explicitly disclose wherein the reproducing means repeatedly check-reproduces the data, but this would have been an obvious engineering design consideration depending on the circuit at hand.

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 28 above.

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 29 above.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 32 above.

7. Claims 24-26&4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al in view of Yuen et al and further in view of Schuler (US 5,532,830).

Regarding claim 24, Okada fails to explicitly disclose recording means for recording data to the storage medium in a plurality of record modes. Yuen et al teach apparatus and methods for facilitating and monitoring the management, storage and retrieval of programs on a cassette of magnetic tape, including the automatic monitoring

of the operation of a video cassette recorder, comprising Instant Recording and VCR PLUS + TM recording which constitute two record modes (see Instant Recording Mode (see Fig.1; col.48, line 50 to col.48, 16), and VCR PLUS + TM recording mode (see col.49, line 45 to col.51, liner 67).

It would have been obvious to modify Okada by realizing Okada with means to record data by applying the Instant Recording and VCR PLUS + TM recording systems, as taught by Yuen, thereby acquiring two record modes

Okada and Yuen et al fail to explicitly disclose wherein the reproducing means reproduces data recorded in a currently designated mode.

Schuler teaches an apparatus and method for producing a composition sequence, the electronic data necessary to form the composition sequence, or edited output, comprising the video composition apparatus 10 of Fig.1, which includes a VTR which operates according to a Beta II or Beta III tape format having multiple heads for simultaneously recording and retrieval of information (see col.5, line 49 to col.6, line 11).

It would have been obvious to modify Yuen et al by realizing the Yuen et al system with the means to simultaneously record and reproduce information, as taught by Schuler, in order that the Yuen et al system can simultaneously record and reproduce information.

Regarding claim 25, Schuler further teaches photographing means for photo-electrically converting an optical image of an object into picture data, wherein one of the record modes is a mode of which the picture data is capable of being recorded to a

storage medium (see Fig.7; video camera and video tape recorders 14, 16, ....20; col.16, line 65 to col. 16, line 24).

Regarding claim 26, Schuler further teaches audio inputting means for inputting a sound and audio outputting means for outputting sound (see Fig.15; audio input over lines 512 and 514 and audio output over lines 516 and 518 from video tape recorder; col.36, lines 12-31), here examiner reads sound data as audio that may include text or music, for example, which video tape recorder is well known to produce; and Yuen discloses wherein one of the record mode is a mode of which the sound data is capable of being recorded to the storage medium by the recording means (see "Instant Recording"; col.47 line 50 to col.48, line 7), here Yuen discloses instant recording of television broadcast program, for example, and it is well known that television broadcast program includes both video and audio signals; and Yuen further discloses wherein the picture data is capable of being recorded as a still picture to the storage medium (see col.38, lines 21-22), here Yuen discloses that images of the still frame may be stored (in a storage medium).

Regarding claim 4, the claimed limitations of claim 4 are accommodated in the discussions of claim 24 above.

Regarding claim 5, the claimed limitations of claim 5 are accommodated in the discussions of claim 25 above.

Regarding claim 6, the claimed limitations of claim 6 are accommodated in the discussions of claim 26 above.

***Allowable Subject Matter***

8. Claims 10,11,15,30,31&35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. The following is a statement of reasons for the indication of allowable subject matter.

Regarding claim 10, the invention relates to a recording/reproducing apparatus that can record and/or reproduce data to and from a record medium, including an editing method of recording/reproducing apparatus.

The closest references Okada et al disclose an optical disc, a video data editing apparatus, a computer readable recording medium that stores an editing program, a reproducing apparatus for the optical disc, and a computer-readable recording medium that stored a reproduction program, and Yuen et al teach apparatus and methods for facilitating and monitoring the management, storage and retrieval of programs on a cassette of magnetic tape, including the automatic monitoring of the operation of a video cassette recorder.

However, Okada et al and Yuen et al fail to explicitly disclose a recording and/or reproducing apparatus, where the apparatus comprises wherein before the updating

means updates the management information, the reproducing means check-reproduces a portion that is erased and that is after the address of the storage medium corresponding to the stop position of the reproduced data.

Regarding claim 11, the invention relates to a recording/reproducing apparatus that can record and/or reproduce data to and from a record medium, including an editing method of recording/reproducing apparatus.

The closest references Okada et al disclose an optical disc, a video data editing apparatus, a computer readable recording medium that stores an editing program, a reproducing apparatus for the optical disc, and a computer-readable recording medium that stored a reproduction program, and Yuen et al al teach apparatus and methods for facilitating and monitoring the management, storage and retrieval of programs on a cassette of magnetic tape, including the automatic monitoring of the operation of a video cassette recorder.

However, Okada et al and Yuen et al fail to explicitly disclose a recording and/or reproducing apparatus, where the apparatus comprises wherein before the updating means updates the management information, the reproducing means check-reproduces the data whose later portion has been erased and that is before the address of the storage medium corresponding to the stop position of the reproduced data.

Regarding claim 15, the invention relates to a recording/reproducing apparatus that can record and/or reproduce data to and from a record medium, including an editing method of recording/reproducing apparatus.

The closest references Okada et al disclose an optical disc, a video data editing apparatus, a computer readable recording medium that stores an editing program, a reproducing apparatus for the optical disc, and a computer-readable recording medium that stored a reproduction program, and Yuen et al al teach apparatus and methods for facilitating and monitoring the management, storage and retrieval of programs on a cassette of magnetic tape, including the automatic monitoring of the operation of a video cassette recorder.

However, Okada et al and Yuen et al fail to explicitly disclose a recording and/or reproducing apparatus, where the apparatus comprises wherein the optical disc has a first track and a second track, a first track being composed of a land and one of a wobbled track and a non-wobbled track, a second track being composed of the land and the wobbled track or the non-wobbled track that is not used for the first track, the wobbled track having two wobbled surfaces, the non-wobbled track having two non-wobbled surfaces, information being recorded on the first track and the second track.

Regarding claim 30, the invention relates to a recording/reproducing apparatus that can record and/or reproduce data to and from a record medium, including an editing method of recording/reproducing apparatus.

The closest references Okada et al disclose an optical disc, a video data editing apparatus, a computer readable recording medium that stores an editing program, a reproducing apparatus for the optical disc, and a computer-readable recording medium that stored a reproduction program, and Yuen et al al teach apparatus and methods for facilitating and monitoring the management, storage and retrieval of programs on a cassette of magnetic tape, including the automatic monitoring of the operation of a video cassette recorder.

However, Okada et al and Yuen et al fail to explicitly disclose a recording and/or reproducing apparatus, where the apparatus comprises wherein before the updating means updates the management information, the reproducing means check-reproduces a portion that is erased and that is after the address of the storage medium corresponding to the designated time point of the reproduced data.

Regarding claim 31, the invention relates to a recording/reproducing apparatus that can record and/or reproduce data to and from a record medium, including an editing method of recording/reproducing apparatus.

The closest references Okada et al disclose an optical disc, a video data editing apparatus, a computer readable recording medium that stores an editing program, a reproducing apparatus for the optical disc, and a computer-readable recording medium that stored a reproduction program, and Yuen et al al teach apparatus and methods for facilitating and monitoring the management, storage and retrieval of programs on a

cassette of magnetic tape, including the automatic monitoring of the operation of a video cassette recorder.

However, Okada et al and Yuen et al fail to explicitly disclose a recording and/or reproducing apparatus, where the apparatus comprises wherein before the updating means updates the management information, the reproducing means check-reproduces a the data whose early portion has been erased and that is after the address of the storage medium corresponding to the designated time point of the reproduced data.

Regarding claim 35, the invention relates to a recording/reproducing apparatus that can record and/or reproduce data to and from a record medium, including an editing method of recording/reproducing apparatus.

The closest references Okada et al disclose an optical disc, a video data editing apparatus, a computer readable recording medium that stores an editing program, a reproducing apparatus for the optical disc, and a computer-readable recording medium that stored a reproduction program, and Yuen et al teach apparatus and methods for facilitating and monitoring the management, storage and retrieval of programs on a cassette of magnetic tape, including the automatic monitoring of the operation of a video cassette recorder.

However, Okada et al and Yuen et al fail to explicitly disclose a recording and/or reproducing apparatus, where the apparatus comprises wherein the optical disc has a first track and a second track, a first track being composed of a land and one of a wobbled track and a non-wobbled track, a second track being composed of the land and

the wobbled track or the non-wobbled track that is not used for the first track, the wobbled track having two wobbled surfaces, the non-wobbled track having two non-wobbled surfaces, information being recorded on the first track and the second track.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mincy et al (US 6,052,508) teach moving picture recording and editing devices and processes, including a device for non-linear recording and editing of digital moving pictures.

Kikuchi et al (US 6,577,812) teach a digital information recording medium having limited storage amount and premised on variable bit rate recording.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher O. Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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COO

1/22/05

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